

UNITED STATES DISTRICT COURT  
for the  
Southern District of Indiana

United States of America

v.

ROBERT LATE PERRY

Date of Original Judgment: 09/22/2011

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Case No: 1:10-cr-00216-SEB-MG-1

USM No: 09845-028

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

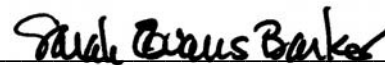
☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_ .  
(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 09/22/2011 shall remain in effect.

IT IS SO ORDERED.

Order Date: 4/10/2024

Effective Date: \_\_\_\_\_  
(if different from order date)



SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:10-cr-00216-SEB-MG
	)	
ROBERT LATE PERRY,	)	-01
	)	
Defendant.	)	

**ORDER DENYING MOTION TO REDUCE SENTENCE**

Pending before the Court is Petitioner Robert Late Perry's Motion to Reduce Sentence filed pursuant to USSG Amendment 821. The Government has filed its response in opposition to the motion.

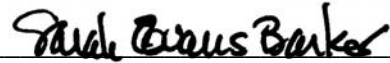
Being duly advised, the Court hereby DENIES the motion for the reason that Petitioner is ineligible for a reduction of sentence.

Pursuant to the holding in Dillon v. U.S., 560 U.S. 817, 824 (2010) and the requirements set out in 18 U.S.C. § 3582(c)(2) and U.S.S.G. §§ 4A1.1(a) and (e), we have determined that neither of the two changes made by Amendment 821 applies to Petitioner: Part A, which alters the "status points" provision regarding his criminal history does not apply because Petitioner did not receive any status points at the time he was sentenced. In addition, his sentence was set by the mandatory minimum, which prevents him from being eligible to any reduction below that level, even if Amendment 821 applied to him; and, Part B, which allows for a 2-level reduction for (many) offenders who had zero criminal history points is not applicable because Petitioner was assessed five (5) criminal history points (not zero) at the time of sentencing. Accordingly,

his guideline range does not change under the terms of Amendment 821, and he is thus ineligible for a reduction in his sentence.

The Motion to Reduce Sentence is therefore DENIED.

Date: 4/10/2024

A handwritten signature in black ink, appearing to read "Sarah Evans Barker", written over a horizontal line.

SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

Counsel of Record via CM/ECF

Electronic Notice to United States Probation Office

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